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11 Attorneys for Defendant
SiRF TECHNOLOGY, INC.

12
13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 SOUTHERN DIVISION

16 BROADCOM CORPORATION,

17 Plaintiff,

18 v.

19 SiRF TECHNOLOGY, INC.,

20 Defendant.

Case No. SACV08-546 JVS (MLGx)

**DEFENDANT SiRF
TECHNOLOGY, INC.'S ANSWER
AND COUNTERCLAIMS TO
BROADCOM CORPORATION'S
COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND
FOR JURY TRIAL**

2008 JUN -4 PM 12:40
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA
BY: [Signature]

FILED

1 Defendant SiRF Technology, Inc. ("SiRF"), by and through its
2 undersigned counsel, responds to the Complaint for Patent Infringement and
3 Demand for Jury Trial ("Complaint") of Plaintiff Broadcom Corporation
4 ("Plaintiff") and further counterclaims as follows:

5 **JURISDICTION AND VENUE**

6 1. SiRF admits that Plaintiff purports to bring this action under the patent
7 laws of the United States, Title 35 U.S.C. §§ 1 *et seq.*, and that Plaintiff purports to
8 assert subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). To the
9 extent there are additional allegations in Paragraph 1 of the Complaint, SiRF lacks
10 knowledge or information sufficient to form a belief as to the truth of those
11 additional allegations, and on that basis, SiRF denies those additional allegations.

12 2. For the purposes of this action, SiRF admits that it does business in the
13 Central District of California, and, on that basis, does not contest that personal
14 jurisdiction is proper in the Central District of California. To the extent there are
15 additional allegations in Paragraph 2 of the Complaint, SiRF lacks knowledge or
16 information sufficient to form a belief as to the truth of those additional allegations,
17 and on that basis, SiRF denies those additional allegations.

18 3. SiRF denies that it has committed acts of infringement in the Central
19 District of California or elsewhere. SiRF admits that it does business in the Central
20 District of California, and, for the purposes of this action, does not contest that
21 venue is proper in the Central District of California. The remaining allegations set
22 forth in Paragraph 3 state a legal conclusion to which no response is required; if
23 such a response is required, SiRF denies those allegations.

24 **PARTIES**

25 4. SiRF lacks knowledge or information sufficient to form a belief as to
26 the truth of the allegations set forth in Paragraph 4 of the Complaint, and on that
27 basis denies those allegations.

28 5. Admitted.

ALLEGED FACTS

6. Denied.

7. SiRF admits that exhibit “A” of the Complaint purports to be a copy of United States Patent No. 7,310,104 (the “’104 Patent”), and SiRF refers Plaintiff to that document for its full and complete contents. SiRF denies all characterizations inconsistent therewith. SiRF denies that the ’104 Patent was duly or legally issued or that it is valid. To the extent there are additional allegations in Paragraph 7 of the Complaint, SiRF lacks knowledge or information sufficient to form a belief as to the truth of those additional allegations, and on that basis, SiRF denies those additional allegations.

8. SiRF admits that exhibit “B” of the Complaint purports to be a copy of United States Patent No. 6,501,480 (the “’480 Patent”), and SiRF refers Plaintiff to that document for its full and complete contents. SiRF denies all characterizations inconsistent therewith. SiRF denies that the ’480 Patent was duly or legally issued or that it is valid. To the extent there are additional allegations in Paragraph 8 of the Complaint, SiRF lacks knowledge or information sufficient to form a belief as to the truth of those additional allegations, and on that basis, SiRF denies those additional allegations.

9. SiRF admits that exhibit “C” of the Complaint purports to be a copy of United States Patent No. 6,747,497 (the “’497 Patent”), and SiRF refers Plaintiff to that document for its full and complete contents. SiRF denies all characterizations inconsistent therewith. SiRF denies that the ’497 Patent was duly or legally issued or that it is valid. To the extent there are additional allegations in Paragraph 9 of the Complaint, SiRF lacks knowledge or information sufficient to form a belief as to the truth of those additional allegations, and on that basis, SiRF denies those additional allegations.

10. SiRF admits that exhibit “D” of the Complaint purports to be a copy of United States Patent No. 5,524,127 (the “’127 Patent”), and SiRF refers Plaintiff to

1 that document for its full and complete contents. SiRF denies all characterizations
2 inconsistent therewith. SiRF denies that the '127 Patent was duly or legally issued
3 or that it is valid. To the extent there are additional allegations in Paragraph 10 of
4 the Complaint, SiRF lacks knowledge or information sufficient to form a belief as to
5 the truth of those additional allegations, and on that basis, SiRF denies those
6 additional allegations.

7 11. SiRF lacks knowledge or information sufficient to form a belief as to
8 the truth of the allegations set forth in Paragraph 11 of the Complaint, and on that
9 basis denies those allegations.

10 12. To the extent that the allegation that SiRF is a “fabless” chip company
11 set forth in Paragraph 12 of the Complaint means that SiRF does not own a
12 semiconductor fabrication facility, SiRF admits that it does not own a
13 semiconductor fabrication facility. SiRF denies all characterizations inconsistent
14 therewith. To the extent that the allegation that SiRF uses contract manufacturers to
15 make components for Global Positioning System devices means that an entity enters
16 into agreements with foundries to manufacture components, SiRF admits that such
17 agreements with foundries exist. SiRF denies all characterizations inconsistent
18 therewith. To the extent there are additional allegations in Paragraph 12 of the
19 Complaint, SiRF lacks knowledge or information sufficient to form a belief as to the
20 truth of those additional allegations, and on that basis, SiRF denies those additional
21 allegations.

22 13. SiRF admits that it designed, sold, and supported a line of products
23 called “SiRFstar III”. SiRF denies all characterizations inconsistent therewith.
24 SiRF lacks knowledge or information sufficient to form a belief as to the truth of the
25 remaining allegations set forth in Paragraph 13 of the Complaint, and on that basis
26 denies those allegations.

27 14. SiRF denies that it designed, sold, or supported a line of products called
28 “Centrality Titan”. SiRF lacks knowledge or information sufficient to form a belief

1 as to the truth of the remaining allegations set forth in Paragraph 14 of the
2 Complaint, and on that basis denies those allegations.

3 15. SiRF denies that it had prior knowledge of the '104 Patent, the '480
4 Patent, the '497 Patent, and the '127 Patent (collectively, the "Broadcom Patents in
5 Suit").

6 **ALLEGED INFRINGEMENT OF U.S. PAT. NO. 7,310,104**

7 16. Paragraph 16 incorporates the allegations of Paragraphs 1 through 15 of
8 the Complaint, SiRF therefore incorporates by reference its responses to Paragraphs
9 1 through 15 of the Complaint as if fully set forth herein.

10 17. Denied.

11 18. SiRF incorporates by reference its responses to the allegations in the
12 Complaint. SiRF denies infringement and, therefore, denies that Plaintiff has
13 suffered, is suffering, or will continue to suffer injury to its business and property
14 rights. SiRF denies that Plaintiff is entitled to any damages.

15 19. SiRF incorporates by reference its responses to the allegations in the
16 Complaint. SiRF denies infringement and, therefore, denies that Plaintiff has
17 suffered, is suffering, or will continue to suffer irreparable harm for which there is
18 no adequate remedy at law. SiRF denies that Plaintiff is entitled to any injunctive
19 relief.

20 **ALLEGED INFRINGEMENT OF U.S. PAT. NO. 6,501,480**

21 20. Paragraph 20 incorporates the allegations of Paragraphs 1 through 15 of
22 the Complaint, SiRF therefore incorporates by reference its responses to Paragraphs
23 1 through 15 of the Complaint as if fully set forth herein.

24 21. Denied.

25 22. SiRF incorporates by reference its responses to the allegations in the
26 Complaint. SiRF denies infringement and, therefore, denies that Plaintiff has
27 suffered, is suffering, or will continue to suffer injury to its business and property
28 rights. SiRF denies that Plaintiff is entitled to any damages.

1 23. SiRF incorporates by reference its responses to the allegations in the
2 Complaint. SiRF denies infringement and, therefore, denies that Plaintiff has
3 suffered, is suffering, or will continue to suffer irreparable harm for which there is
4 no adequate remedy at law. SiRF denies that Plaintiff is entitled to any injunctive
5 relief.

6 **ALLEGED INFRINGEMENT OF U.S. PAT. NO. 6,747,497**

7 24. Paragraph 24 incorporates the allegations of Paragraphs 1 through 15 of
8 the Complaint, SiRF therefore incorporates by reference its responses to Paragraphs
9 1 through 15 of the Complaint as if fully set forth herein.

10 25. Denied.

11 26. SiRF incorporates by reference its responses to the allegations in the
12 Complaint. SiRF denies infringement and, therefore, denies that Plaintiff has
13 suffered, is suffering, or will continue to suffer injury to its business and property
14 rights. SiRF denies that Plaintiff is entitled to any damages.

15 27. SiRF incorporates by reference its responses to the allegations in the
16 Complaint. SiRF denies infringement and, therefore, denies that Plaintiff has
17 suffered, is suffering, or will continue to suffer irreparable harm for which there is
18 no adequate remedy at law. SiRF denies that Plaintiff is entitled to any injunctive
19 relief.

20 **ALLEGED INFRINGEMENT OF U.S. PAT. NO. 5,524,127**

21 28. Paragraph 28 incorporates the allegations of Paragraphs 1 through 15 of
22 the Complaint, SiRF therefore incorporates by reference its responses to Paragraphs
23 1 through 15 of the Complaint as if fully set forth herein.

24 29. Denied.

25 30. SiRF incorporates by reference its responses to the allegations in the
26 Complaint. SiRF denies infringement and, therefore, denies that Plaintiff has
27 suffered, is suffering, or will continue to suffer injury to its business and property
28 rights. SiRF denies that Plaintiff is entitled to any damages.

1 31. SiRF incorporates by reference its responses to the allegations in the
2 Complaint. SiRF denies infringement and, therefore, denies that Plaintiff has
3 suffered, is suffering, or will continue to suffer irreparable harm for which there is
4 no adequate remedy at law. SiRF denies that Plaintiff is entitled to any injunctive
5 relief.

6 **PRAYER FOR RELIEF**

7 32. SiRF denies that Plaintiff is entitled to the relief requested in
8 paragraphs (a) – (e).

9 **DEMAND FOR JURY TRIAL**

10 33. SiRF admits that Plaintiff demands a trial by jury on all issues so
11 triable in this action pursuant to Local Rule 38-1 and Fed. R. Civ. P. 38(b).

12 34. To the extent that any allegations of the Complaint have not been
13 previously specifically admitted or denied, SiRF denies them.

14 **DEFENSES**

15 Without assuming any burden that it would not otherwise bear, and
16 reserving its right to assert additional defenses, SiRF, for its defenses, pleads:

17 **FIRST DEFENSE**

18 **(INVALIDITY OF U.S. PAT. NO. 7,310,104)**

19 35. The '104 Patent is invalid for failure to comply with one or more of the
20 requirements of United States Code, Title 35, including without limitation, 35
21 U.S.C. §§ 101, 102, 103, and 112, the non-statutory doctrine of double patenting,
22 and the rules, regulations, and laws pertaining thereto.

23 **SECOND DEFENSE**

24 **(INVALIDITY OF U.S. PAT. NO. 6,501,480)**

25 36. The '480 Patent is invalid for failure to comply with one or more of the
26 requirements of United States Code, Title 35, including without limitation, 35
27 U.S.C. §§ 101, 102, 103, and 112, the non-statutory doctrine of double patenting,
28 and the rules, regulations, and laws pertaining thereto.

THIRD DEFENSE

(INVALIDITY OF U.S. PAT. NO. 6,747,497)

37. The '497 Patent is invalid for failure to comply with one or more of the requirements of United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, the non-statutory doctrine of double patenting, and the rules, regulations, and laws pertaining thereto.

FOURTH DEFENSE

(INVALIDITY OF U.S. PAT. NO. 5,524,127)

38. The '127 Patent is invalid for failure to comply with one or more of the requirements of United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, the non-statutory doctrine of double patenting, and the rules, regulations, and laws pertaining thereto.

FIFTH DEFENSE

(NON-INFRINGEMENT OF U.S. PAT. NO. 7,310,104)

39. SiRF has not infringed, induced another to infringe, or contributed to another's infringement of any valid and enforceable claim the '104 Patent.

SIXTH DEFENSE

(NON-INFRINGEMENT OF U.S. PAT. NO. 6,501,480)

40. SiRF has not infringed, induced another to infringe, or contributed to another's infringement of any valid and enforceable claim of the '480 Patent.

SEVENTH DEFENSE

(NON-INFRINGEMENT OF U.S. PAT. NO. 6,747,497)

41. SiRF has not infringed, induced another to infringe, or contributed to another's infringement of any valid and enforceable claim the '497 Patent.

EIGHTH DEFENSE

(NON-INFRINGEMENT OF U.S. PAT. NO. 5,524,127)

42. SiRF has not infringed, induced another to infringe, or contributed to another's infringement of any valid and enforceable claim of the '127 Patent.

NINTH DEFENSE

(CLAIMS BARRED)

43. Plaintiff's claims are barred in whole or in part based on prosecution history estoppel and/or prosecution history disclaimer.

TENTH DEFENSE

(LIMITATIONS ON DAMAGES AND COSTS)

44. Plaintiff failed to provide adequate notice to SiRF of alleged infringement and thus, is barred under 35 U.S.C. § 287 from recovering damages prior to the date of the filing of the Complaint. Plaintiff is barred by 35 U.S.C. § 288 from recovering costs associated with its action.

ELEVENTH DEFENSE

(PLAINTIFF CANNOT PROVE EXCEPTIONAL CASE)

45. Plaintiff cannot prove that this is an exceptional case justifying award of attorney fees against SiRF pursuant to 35 U.S.C. § 285.

TWELFTH DEFENSE

(EQUITABLE DEFENSES)

46. Plaintiff is barred in whole or in part under principles of equity, including laches, prosecution laches, waiver, estoppel, and/or unclean hands. Plaintiff is also barred by issue preclusion from re-asserting or altering its positions on factual and legal issues that were previously adjudicated.

THIRTEENTH DEFENSE

(ADEQUATE REMEDY AT LAW)

47. Plaintiff is not entitled to injunctive relief because any alleged injury to Plaintiff is not immediate or irreparable and Plaintiff has an adequate remedy at law.

FOURTEENTH DEFENSE

(WAIVER)

48. Plaintiff is barred from asserting the '104, '480, '497 and '127 Patents and/or from collecting damages thereunder, pursuant to the doctrine of waiver.

FIFTEENTH DEFENSE

(GOVERNMENT SALES)

49. To the extent that certain products accused of infringing the '104, '480, '497 and '127 Patents are used by and/or manufactured for the United States Government, Plaintiff's claims against SiRF with respect to such products may not be pursued in this Court and are subject to other limitations pursuant to 28 U.S.C. § 1498.

SIXTEENTH DEFENSE

(FAILURE TO STATE A CLAIM)

50. The Complaint fails to state a claim for which relief can be granted against SiRF.

ADDITIONAL DEFENSES RESERVED

(RESERVATION OF ADDITIONAL DEFENSES)

51. SiRF reserves all defenses under Rule 8 of the Federal Rules of Civil Procedure, the patent laws of the United States, and any other defenses at law or in equity that may exist now or that may be available in the future.

COUNTERCLAIMS

Without waiver of any of its rights, including the right to seek dismissal and/or transfer of this action, SiRF, by and through its undersigned counsel, and by way of Counterclaims against Plaintiff, alleges:

NATURE OF THE ACTION

1. This is an action by defendant and counter-claimant SiRF pursuant to Rule 13 of the Federal Rules of Civil Procedure for declarations of non-infringement and invalidity of U.S. Pat. No. 7,310,104, 6,501,480, 6,747,497, and 5,524,127.

PARTIES

2. SiRF is a corporation organized under the laws of the State of Delaware and maintains its principal place of business at 217 Devcon Drive, San Jose, California 95112.

1 3. Upon information and belief, Plaintiff is a corporation organized under
2 the laws of the State of California and maintains its principal place of business in
3 Irvine, California.

4 **JURISDICTION AND VENUE**

5 4. These counterclaims arise under the United States patent laws, 35
6 U.S.C. § 1, et seq., and seek relief for which this Court has subject matter
7 jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338, 1367, 2201, and 2202.

8 5. Venue is proper in this District pursuant to 28 U.S.C. § 1391.

9 6. Plaintiff has sued SiRF for patent infringement of the '104, '480, '497
10 and '127 Patents. SiRF denies infringement and denies that the patents are valid.
11 There is therefore a substantial, actual, and continuing controversy between Plaintiff
12 and SiRF as to the validity and infringement of the '104, '480, '497 and '127
13 Patents.

14 7. Plaintiff has consented to personal jurisdiction by commencing its
15 action for patent infringement in this judicial jurisdiction, as set forth in Plaintiff's
16 Complaint.

17 **FIRST COUNTERCLAIM**

18 **(DECLARATORY JUDGMENT OF**

19 **NON-INFRINGEMENT OF U.S. PAT. NO. 7,310,104)**

20 8. SiRF repeats and realleges each allegation set forth in Paragraphs 1
21 through 7 of these counterclaims as though fully set forth herein.

22 9. SiRF has not infringed and does not infringe any valid and/or
23 enforceable claim of the '104 Patent, either directly or indirectly, literally, under the
24 doctrine of equivalents, or otherwise.

25 10. A judicial declaration that SiRF does not infringe the '104 Patent is
26 necessary and appropriate at this time so that SiRF can ascertain its rights and duties
27 with respect to the products and/or services that Plaintiff accuses of infringing the
28 '104 Patent.

SECOND COUNTERCLAIM
(DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF U.S. PAT. NO. 6,501,480)

11. SiRF repeats and realleges each allegation set forth in Paragraphs 1 through 10 of these counterclaims as though fully set forth herein.

12. SiRF has not infringed and does not infringe any valid and/or enforceable claim of the '480 Patent, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise.

13. A judicial declaration that SiRF does not infringe the '480 Patent is necessary and appropriate at this time so that SiRF can ascertain its rights and duties with respect to the products and/or services that Plaintiff accuses of infringing the '480 Patent.

THIRD COUNTERCLAIM
(DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF U.S. PAT. NO. 6,747,497)

14. SiRF repeats and realleges each allegation set forth in Paragraphs 1 through 13 of these counterclaims as though fully set forth herein.

15. SiRF has not infringed and does not infringe any valid and/or enforceable claim of the '497 Patent, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise.

16. A judicial declaration that SiRF does not infringe the '497 Patent is necessary and appropriate at this time so that SiRF can ascertain its rights and duties with respect to the products and/or services that Plaintiff accuses of infringing the '497 Patent.

FOURTH COUNTERCLAIM
(DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF U.S. PAT. NO. 5,524,127)

17. SiRF repeats and realleges each allegation set forth in Paragraphs 1

1 through 16 of these counterclaims as though fully set forth herein.

2 18. SiRF has not infringed and does not infringe any valid and/or
3 enforceable claim of the '127 Patent, either directly or indirectly, literally, under the
4 doctrine of equivalents, or otherwise.

5 19. A judicial declaration that SiRF does not infringe the '127 Patent is
6 necessary and appropriate at this time so that SiRF can ascertain its rights and duties
7 with respect to the products and/or services that Plaintiff accuses of infringing the
8 '127 Patent.

9 **FIFTH COUNTERCLAIM**

10 **(DECLARATORY JUDGMENT OF INVALIDITY OF U.S. PAT. NO.**

11 **7,310,104)**

12 20. SiRF repeats and realleges each allegation set forth in Paragraphs 1
13 through 19 of these counterclaims as though fully set forth herein.

14 21. The '104 Patent is invalid under the provisions of United States Code,
15 Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, the non-
16 statutory doctrine of double patenting, and the rules, regulations, and laws pertaining
17 thereto.

18 22. A judicial declaration that the '104 Patent is invalid because it fails to
19 satisfy the conditions for patentability specified in Title 35 of the United States
20 Code is necessary and appropriate at this time so that SiRF can ascertain its rights
21 and duties with respect to the products and/or services Plaintiff accuses of infringing
22 the '104 Patent.

23 **SIXTH COUNTERCLAIM**

24 **(DECLARATORY JUDGMENT OF INVALIDITY OF U.S. PAT. NO.**

25 **6,501,480)**

26 23. SiRF repeats and realleges each allegation set forth in Paragraphs 1
27 through 22 of these counterclaims as though fully set forth herein.

28 24. The '480 Patent is invalid under the provisions of United States Code,

1 Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, the non-
 2 statutory doctrine of double patenting, and the rules, regulations, and laws pertaining
 3 thereto.

4 25. A judicial declaration that the '480 Patent is invalid because it fails to
 5 satisfy the conditions for patentability specified in Title 35 of the United States
 6 Code is necessary and appropriate at this time so that SiRF can ascertain its rights
 7 and duties with respect to the products and/or services Plaintiff accuses of infringing
 8 the '224 Patent.

9 **SEVENTH COUNTERCLAIM**

10 **(DECLARATORY JUDGMENT OF INVALIDITY OF U.S. PAT. NO.**

11 **6,747,497)**

12 26. SiRF repeats and realleges each allegation set forth in Paragraphs 1
 13 through 25 of these counterclaims as though fully set forth herein.

14 27. The '497 Patent is invalid under the provisions of United States Code,
 15 Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, the non-
 16 statutory doctrine of double patenting, and the rules, regulations, and laws pertaining
 17 thereto.

18 28. A judicial declaration that the '497 Patent is invalid because it fails to
 19 satisfy the conditions for patentability specified in Title 35 of the United States
 20 Code is necessary and appropriate at this time so that SiRF can ascertain its rights
 21 and duties with respect to the products and/or services Plaintiff accuses of infringing
 22 the '497 Patent.

23 **EIGHTH COUNTERCLAIM**

24 **(DECLARATORY JUDGMENT OF INVALIDITY OF U.S. PAT. NO.**

25 **5,524,127)**

26 29. SiRF repeats and realleges each allegation set forth in Paragraphs 1
 27 through 28 of these counterclaims as though fully set forth herein.

28 30. The '127 Patent is invalid under the provisions of United States Code,

1 Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, the non-
 2 statutory doctrine of double patenting, and the rules, regulations, and laws pertaining
 3 thereto.

4 31. A judicial declaration that the '127 Patent is invalid because it fails to
 5 satisfy the conditions for patentability specified in Title 35 of the United States
 6 Code is necessary and appropriate at this time so that SiRF can ascertain its rights
 7 and duties with respect to the products and/or services Plaintiff accuses of infringing
 8 the '127 Patent.

9 **RESERVATION OF ADDITIONAL COUNTERCLAIMS**

10 32. As discovery in this case has not yet commenced, and as SiRF
 11 continues to investigate the allegations set forth in the Complaint, SiRF specifically
 12 gives notice that it intends to assert additional counterclaims as may become
 13 available by law, statute, or upon discovery in this case. As such, SiRF hereby
 14 reserves the right to amend its Answer and to assert such additional counterclaims as
 15 allowed by the Federal Rules of Civil Procedure and the Local Rules of the United
 16 States District Court for the Central District of California.

17 **PRAYER FOR RELIEF**

18 SiRF respectfully prays for the following relief:

- 19 A. That Plaintiff take nothing by its Complaint;
- 20 B. That the Court dismiss each and every claim related to SiRF in
 21 Plaintiff's Complaint with prejudice;
- 22 C. That the Court find and enter a judgment declaring the '104, '480, '497
 23 and '127 Patents each to be invalid under 35 U.S.C. §§ 101 *et seq.*;
- 24 D. That the Court find and enter a judgment declaring that no claim of
 25 '104, '480, '497 and '127 Patents is infringed or has been infringed by SiRF;
- 26 E. That the Court find and enter a permanent injunction restraining
 27 Plaintiff and its officers, partners, employees, agents, parents, subsidiaries, and
 28 affiliates, and any other persons acting on its behalf or in concert with it, from suing

1 or threatening to sue for infringement of '104, '480, '497 and '127 Patents on the
2 basis of the making, using, selling, offering for sale, or importing of any SiRF
3 product or service;

4 F. That the Court find and enter a judgment declaring that this is an
5 exceptional case justifying award of attorney fees against the Plaintiff pursuant to 35
6 U.S.C. § 285; and

7 G. That the Court award SiRF any other relief the Court may deem just,
8 equitable, and proper.

9 **DEMAND FOR JURY TRIAL**

10 In accordance with Fed. R. Civ. P. 38(b) and Local Rule 38-1, SiRF
11 demands a trial by jury on all issues so triable.

12
13 Dated: June 4, 2008

SIMPSON THACHER & BARTLETT LLP

14
15
16 By 
17 GEORGE M. NEWCOMBE (SBN 202898)
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Attorneys for Defendant
SiRF TECHNOLOGY, INC.

PROOF OF SERVICE

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 1999 Avenue of the Stars, 29th Floor, Los Angeles, California 90067.

On **June 4, 2008**, I caused to be served the following document:

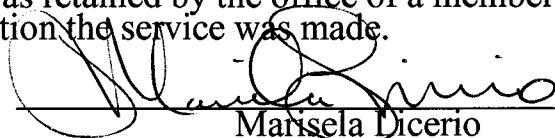
**DEFENDANT SIRF TECHNOLOGY, INC.'S ANSWER AND
COUNTERCLAIMS TO BROADCOM CORPORATION'S COMPLAINT
FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL**

on the interested party(is) in this action by placing a true and correct copy of document(s) in a sealed envelope addressed as follows:

- () [U.S. MAIL] I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices in the United States mailed at Los Angeles, California. I am aware that on motion of a party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- (X) [OVERNIGHT DELIVERY] Via Federal Express or similar overnight courier service, by depositing in a box or other facility regularly maintained by such overnight delivery service, or delivering such envelope to a courier or driver authorized by said overnight delivery service to receive documents, in an envelope designated by said overnight delivery service with delivery fees paid or provided for, addressed to the address last shown by that person on any documents filed in this action.
- () [PERSONAL SERVICE] I caused the above-referenced document(s) to be delivered to the above-named person(s).

Executed on **June 4, 2008**, at Los Angeles, California.

- (X) (FEDERAL) I declare that I was retained by the office of a member of the bar of this court at whose direction the service was made.


Marisela Dicerio

SERVICE LIST

Broadcom Corporation v. SiRF Technology, Inc.
United States District Court of California Case No. CV SACV08-546 JVS (MLG)

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